

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, January 10, 2012
J.P. Courtroom, County Service Center
126 W. 5th Street, Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1: Docket BA3-12-01 (New Life Family Worship Center): The Applicant is the pastor of the New Life Family Worship Center congregation in Pomerene, and seeks to legitimize the existing site for religious use through the following Variances and Waivers to site development standards: Screening along North, West and East property lines (Section 704.06); 40-foot required parking area setback along West side (1804.06.B); and to allow a changeable copy on-site advertising sign (1908.02).

The subject parcel (Parcel No. 208-44-009) is located at 642 E. Pomerene Road in Pomerene, AZ. The Applicant is Steven Medeiros of New Life Family Worship Center.

- Call for PLANNING DIRECTOR'S PRESENTATION
 - Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
 - Declare PUBLIC HEARING CLOSED
 - Call for BOARD DISCUSSION (may ask questions of Applicant)
 - Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
 - Call for MOTION
 - Call for DISCUSSION OF MOTION
 - Call for QUESTION
 - ANNOUNCE ACTION TAKEN (with Findings of Fact)
-

Item 2: Call for Planning Director's Report

Item 3: Call to the Public

ADJOURNMENT



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Keith Dennis, Senior Planner *VD*
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket BA3-12-01 (New Life)
DATE: January 3, 2012 for the January 10, 2012 Meeting

APPLICATION FOR VARIANCES AND WAIVERS

The Applicant operates New Life Family Worship Center in Pomerene, and seeks to legitimize the existing use through the following Variances and Waivers to site development standards:

- A Waiver to the screening requirement along North, West and East property lines (Section 704.06);
- A Variance to the 40-foot required parking area setback along West side (1804.06.B); and
- A Variance to allow a changeable copy on-site advertising sign (Section 1908.02 – This sign type is not allowed in a Residential District without a Variance).

The subject parcel (Parcel No. 208-44-009) is located at 642 E. Pomerene Road in Pomerene, AZ. The Applicant is Steven Medeiros of New Life Family Worship Center.

I. DESCRIPTION OF PARCEL AND SURROUNDINGS

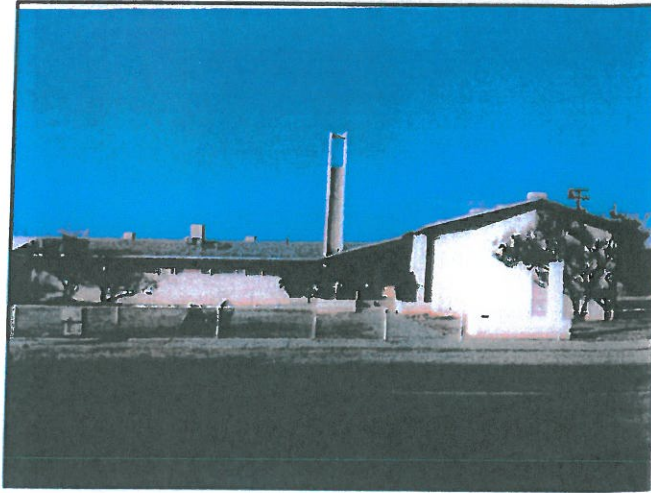
Size: 2.29 Acres
Zoning: TR-18 (Residential, one dwelling per 18,000 square feet)
Growth Area: Category C – Rural Community Growth Area
Plan Designation: Neighborhood Conservation
Area Plan: None Applicable
Existing Uses: Church (New Life Family Worship Center)
Proposed Uses: Unchanged

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|-----------------|
| North | TR-18 | Residential |
| South | TR-18 | Residential |
| East | TR-18 | Residential |
| West | TR-18 | Residential |

II. PARCEL HISTORY

The building on this site was constructed for use as an LDS church in 1952. The Pomerene School district took ownership of the land in 1993, and used the building for educational services. The school district only used the building for a few years, however, and the building fell into disrepair. Over the years, the site has been a temporary home for other uses, such as a food pantry and auction house. In the fall of 2011, the Applicant applied for a permit to change the use classification on the property back to religious services, as well as to retrofit the existing monument sign as a changeable copy "scripture" sign.

There are no violations associated with the subject property.



Above: Northward view of the future New Life Family Worship Center. Below: Looking South at Pomerene Road from the churchyard. The sign frame can be seen at left.



III. PROJECT DESCRIPTION

The Applicant has applied for the subject property. Currently, it is designated "educational," and the request is to return it to the original "religious" use of the land and structure. The New Life Family Worship Center currently operates in the Pomerene school building, but will soon relocate to the subject property. The building, originally a church, was built in the 1950s, over 20 years prior to the establishment of the Zoning Regulations in 1975. If the property would have

stayed in use as church continuously, it would be considered legally non-conforming and current zoning standards would not apply. Because the property changed use from religious to educational after 1975, the non-conforming status of the property ceased, such that subsequent uses now have to conform to current zoning standards. Recently, the church applied for a permit to use the existing monument sign frame as a changeable copy sign common to churches in the United States (the Applicant referred to it as a "scripture sign"). In order to do so, County Zoning regulations require that the use of the property first be officially changed from school back to church; any change of use means that current Zoning standards must be met. The Applicant, Steven Medeiros of New Life, therefore brings forward a request for the Variances outlined above, in order to reconcile the existing site and structures with current Zoning Regulations.



Eastward view of the residence closest to the church.

IV. ANALYSIS OF IMPACTS

As discussed, the property was developed for religious uses beginning in 1952. For a brief period in the 1990s, the site was used by the Pomerene School District, and sat vacant for some time thereafter. Now a new church group proposes to use the existing site for its original intended purpose. Churches are considered to be low-impact non-residential uses, with limited hours of operation, primarily on Sunday morning. Staff has no concerns regarding off-site impacts from the use or Variances requested.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on December 13, 2011 and published a legal notice in the *Bisbee Observer* on December 23, 2011. To date, the Department has received no correspondence from neighbors for or against the request.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Allowing the Variances

1. Allowing the Variance would not produce any off-site impacts. The site was originally developed for religious use before the Zoning Regulations were adopted by the County, and the site has been in use for religious purposes for most of the last 60 years.

Factor Against Approval

None Apparent

Recommendation

Based on the factor in favor of approval, staff recommends approval of the requested Variances.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-12-01, granting the requested Variances and Waivers, with the factors in favor of approval listed in the staff report as findings of fact.*

VIII. ATTACHMENTS

Variance Application

Location Map

Site Plan



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

book receipt #9564
11-22-11

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 208-44-009
2. Address of parcel: 642 E Pomerene Road
Pomerene, Arizona, 85602
3. Area of Parcel (to nearest tenth of an acre): 2.28
4. Zoning District designation of Parcel: _____
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. _____

Property is currently carried on county profile report as being religious in acct. type.

6. Describe all proposed uses or structures, which are to be placed on the property.
Church and related ministry related functions.

7. State the specific nature of the variance or variances sought.

704.06 - screening to North, West and East
1804.06.B - parking setbacks/screening to west- abutting TR
~~1804.09.02 - 22' setback instead of 24' for parking~~
1908.02 - allow on-site advertising sign ✓

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

for 704.06 - see attached
1804.06.B - Parking lot already existed, has not been prior issue
~~1804.09 - parking configured only across the spacing~~
1908.02 - Inclusion of scripture on sign will highlight who and what we are. Variance
neither impairs or injures rights of neighboring residents.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

1804.06.B - Resident has not expressed prior concern.
~~1804.09 - This spacing doesn't impact neighbors at all.~~
1908.02 - neighbors welcome inclusion of scripture?

Item 8. This property is truly a peculiar one. On the tax rolls this shows up as a religious account although it has been owned by Pomerene Elementary School since the mid-1990s. This is a very large and deep property that only has two neighbors within any practical distance of its main building. We would propose to leave the fencing as presently configured. We have attached a photo representation to exhibit the present conditions and to illustrate our request. To place a physical 6' barrier around this property would entail over 1,200 running feet of material and construction; a considerable financial hardship on any organization, (especially a new church). In an area such as this, with a property designation that is so clouded we believe a variance is warranted.

Item 9. We believe that this variance would not cause injury or impair our neighbors' rights. This property has been labeled for religious use ever since it has been on the rolls and as such will now be used as it is currently legally designated. Since it has always been designated as such we believe that this barrier requirement should be grandfathered and as such we would not fall under this criteria since this property has been noted as religious for far many more years than this barrier requirement has been in existence. We believe that we stand on proper legal and righteous precedence in this matter.


If we are wrong in our conjecture noted above, then we humbly request that we be allowed to build this barrier between us and the neighbor on the west side. He has proximity to our parking area and as such may be impaired slightly. This would cause us to build 180' of barrier. Our neighbor on the east will in no way be injured or impaired and on the north it is hard to even see a home it is so far removed. As a barrier we propose chain link fence with slats inserted in the links.

Thank you for considering our request.

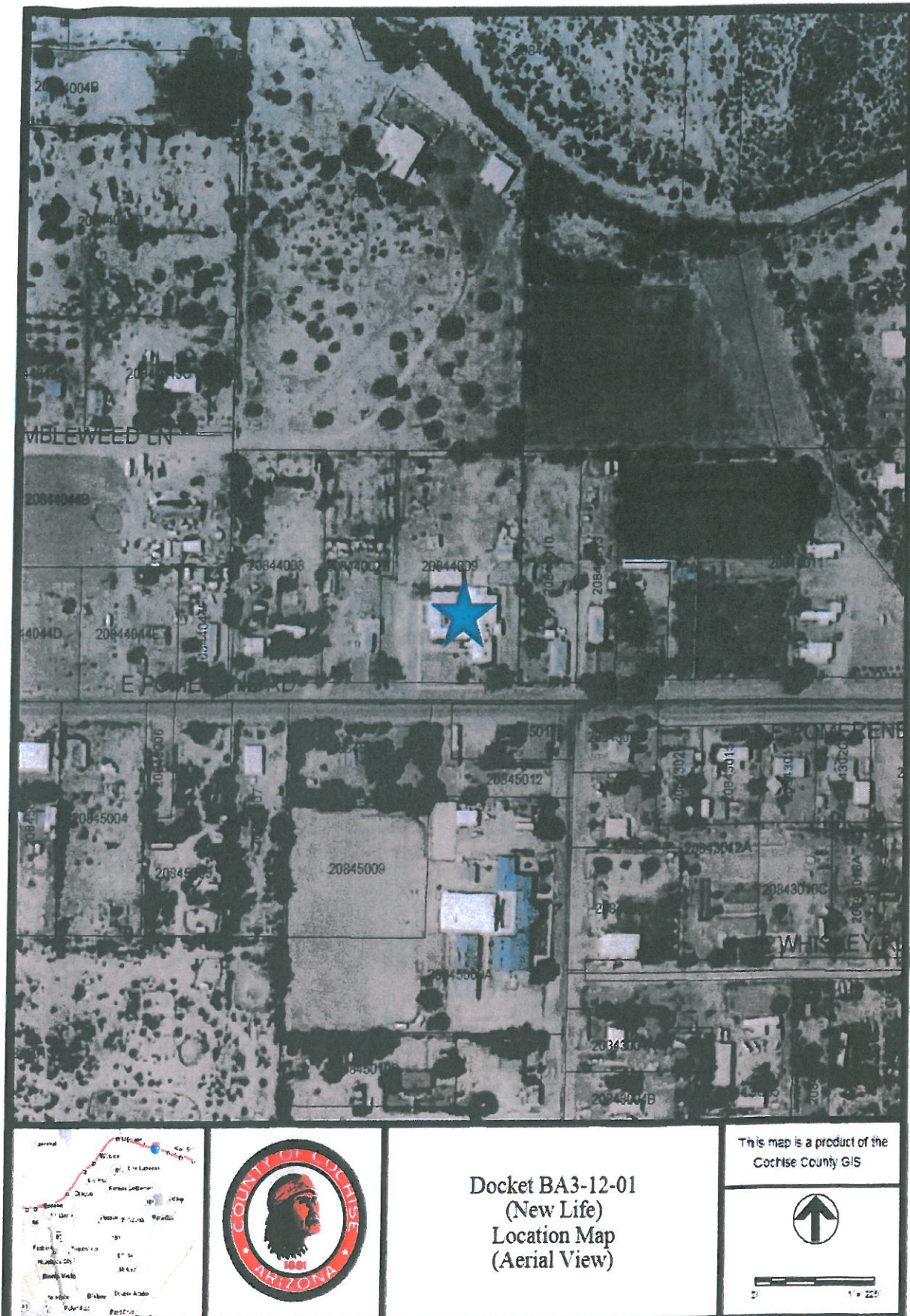
10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

| <u>PROPERTY OWNER</u> | <u>MAIL ADDRESS</u> |
|----------------------------|---------------------|
| Pomerene Elementary School | P.O. Box 7 |
| Pomerene, Arizona | Pomerene, Arizona |
| 85627 | 85627 |

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

| <u>SIGNATURE OF PETITIONER</u> | <u>ADDRESS</u> | <u>DATE</u> |
|---|-------------------------|-------------|
| STEVEN MEDEIROS | P.O. Box 42 | 11-22-11 |
|  | Pomerene, Arizona 85627 | |
| APPLICANT'S PHONE NUMBER | 575-799-6149 | |
| APPLICANT'S EMAIL ADDRESS | nlteachpreach@gmail.com | |

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



Docket BA3-12-01
(New Life)
Location Map
(Aerial View)

This map is a product of the
Cochise County GIS



0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

100% absorption area

NO WORK
THIS AREA

Permeability Test Location
Tested by Calkins Testing Lab, Inc.
TEST RESULTS:
Depth of test = 0'
Rate of drop = 8 min. per inch
Depth of test = 7'
Rate of drop = 11 min. per inch

5000 gallon (minimum) septic tank
(Smith Process 3200 or equal)

NEW TURF
(SEE SHEET #3)

Leaching field pit, 2048 square feet of usable voids!!
(Note: absorption area) as calculated by the Cochise County
Health Dept. (10' minimum and 12' of drop and 10' minimum void
at 1000 gallons per day). (Total trench length of 180' x 12' (min.)
deep trench and 12' of usable voids!! Contractor may provide
larger (more than 10' deep) and shorter trenches at his option,
provided that the minimum absorption area and leaching depth
requirements are met.

EXIST. 3,500#
CONC. SLAB
EXIST. W. FENCE

Not Part
of Plan

NEW TURF
(SEE SHEET #3)

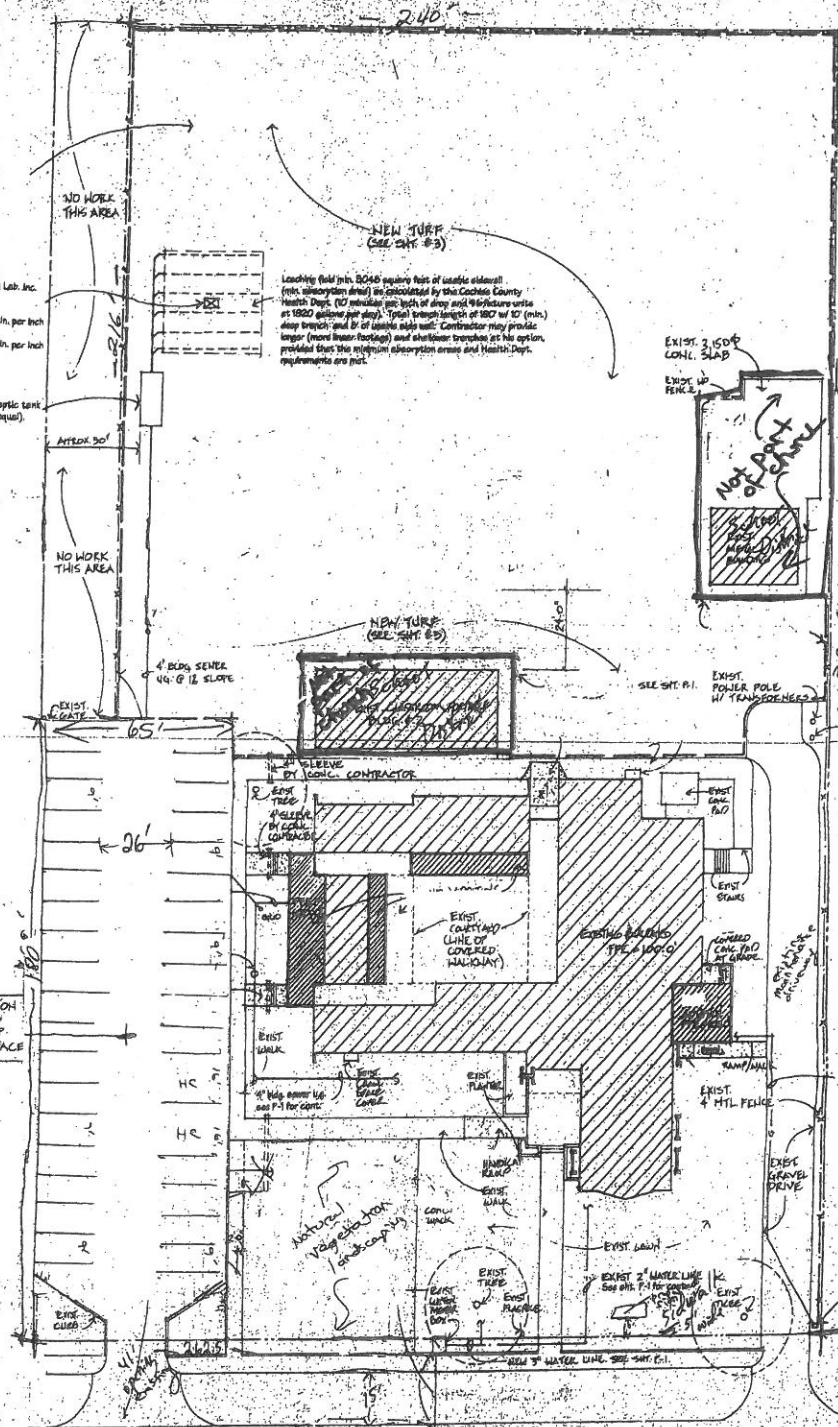
4" BLDG. SEWER
44" Ø 12' SLOPE

SEE SHEET #1

EXIST. POWER POLE
W/ TRANSFORMER

EXIST. TEL. POLE

NOTE: CONFIGURATION
OF PARKING LOT IS
EXISTING WITH CHIP
SEAL GRAVEL SURFACE



North arrow pointing towards the top of the page.

RODRENE RD

Parcel # 208-44-009

No. 123, within 300 ft.

SITE PLAN

SCALE = 1" = 30'

